

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-13 are presently pending in this case. Claims 1 and 5-7 are amended and new Claims 11-13 are added by the present amendment. As amended Claims 1 and 5-7 and new Claims 11-13 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claims 1-3 and 5-9 were rejected under 35 U.S.C. §103(a) as unpatentable over Myojo (U.S. Patent Application Publication No. 20030122940) in view of Hisatomi et al. (U.S. Patent Application Publication No. 20020154898, hereinafter “Hisatomi”); Claims 4 and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Myojo in view of Hisatomi and further in view of Tamura et al. (U.S. Patent Application Publication No. 20020048455, hereinafter “Tamura”).

With regard to the rejection of Claims 1 and 5-7 as unpatentable over Myojo in view of Hisatomi, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

a creation means for creating one composite image from an arrangement of a plurality of associated captured small images;

image file creation means for creating an image file including data describing a vertical size and a horizontal size of each of the plurality of associated captured small images in the composite image ***and manufacturer specific information***;

a display control means for controlling display of the composite image; and

an extraction means for extracting a specified small image from the composite image whose display is controlled by the display control means.

Myojo describes an index image creating device that creates an index image data file 502. The index image data file 502 includes a number of image files.² The outstanding

¹See, e.g., the specification at page 12, lines 3-24 and Figure 4.

²See Myojo, paragraphs 64 and 65.

Office Action asserted that the creation of index image data file 502 of Myojo as modified by the creation of the user menu file format shown in Figures 21 and 22 of Hisatomi describes “image file creation means” as recited in Claim 1.³ However, it is respectfully submitted that Myojo does not teach or suggest that index image data file 502 includes any manufacturer specific information. Further, it is respectfully submitted that Hisatomi does not teach or suggest that the user menu file format shown in Figures 21 and 22 includes any manufacturer specific information either. Thus, it is respectfully submitted that the proposed combination cannot teach or suggest “image file creation means” as defined in amended Claim 1. Consequently, Claim 1 (and Claims 2-4 dependent therefrom) is patentable over Myojo in view of Hisatomi.

Claims 5 and 6 recite in part “creating an image file including data describing a vertical size and a horizontal size of each of the plurality of associated captured small images in the composite image and *manufacturer specific information.*” As noted above, neither of the cited references teaches or suggests creating an image file including manufacturer specific information. Thus, it is respectfully submitted that the proposed combination cannot teach or suggest “creating an image file” as defined in amended Claims 5 and 6. Consequently, Claims 5 and 6 are also patentable over Myojo in view of Hisatomi.

Amended Claim 7 recites in part “an image file creation unit configured to create an image file including data describing a vertical and horizontal size of each of the plurality of associated captured small images in the composite image and *manufacturer specific information.*”

As noted above, neither of the cited references teaches or suggests any element configured to create an image file including manufacturer specific information. Thus, it is respectfully submitted that the proposed combination cannot teach or suggest “an image file

³See the outstanding Office Action at page 3, lines 11-14 and page 4, lines 5-9.

creation unit” as defined in amended Claim 7. Consequently, Claim 7 (and Claims 8-13 dependent therefrom) is patentable over Myojo in view of Hisatomi.

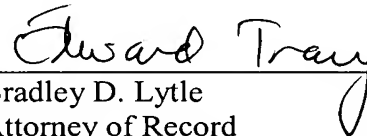
With regard to the rejection of Claims 4 and 10 as unpatentable over Myojo in view of Hisatomi and further in view of Tamura, it is noted that Claims 4 and 10 are dependent from Claim 1 and 7, respectively, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Tamura does not cure any of the above-noted deficiencies of Myojo and Hisatomi. Accordingly, it is respectfully submitted that Claims 4 and 10 are patentable over Myojo in view of Hisatomi and further in view of Tamura.

Finally, new Claims 11-13 are supported at least by the specification at page 12, lines 3-24 and Figure 4. As new Claims 11-13 are dependent from Claim 7, new Claims 11-13 are patentable for at least the reasons described above with respect to that claim. Further, new Claims 11-13 recite subject matter that further defines over the cited references. Consequently, new Claims 11-13 are also believed to be allowable.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Edward W. Tracy, Jr.
Registration No. 47,998